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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-36**

13 **MICHELLE ANNE WILLIAMS**
1451 Rocky Ridge, Apt. 1915
13 Roseville, CA 95661
Registered Nurse License No. 431880
14 Public Health Nurse Certificate No. 44910

A C C U S A T I O N

15 Respondent.

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17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Interim
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1988, the Board issued Registered Nurse License Number
24 431880 ("license") to Michelle Anne Williams ("Respondent"). The license was in full force and
25 effect at all times relevant to the charges brought herein and will expire on June 30, 2014, unless
26 renewed.

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1 **Public Health Nurse Certificate**

2 3. On or about June 16, 1989, the Board issued Public Health Nurse Certificate Number
3 44910 ("certificate") to Respondent. The certificate was in full force and effect at all times
4 relevant to the charges brought herein and will expire on June 30, 2014, unless renewed.

5 **STATUTORY AND REGULATORY PROVISIONS**

6 4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
7 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
8 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
9 Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
13 may renew an expired license at any time within eight years after the expiration.

14 6. Code section 2761 states:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an
16 application for a certificate or license for any of the following:

17 (a) Unprofessional conduct, which includes, but is not limited to, the following:

18 (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
19 functions."

20 7. California Code of Regulations, title 16, section 1442, states:

21 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
22 the standard of care which, under similar circumstances, would have ordinarily been exercised by
23 a competent registered nurse. Such an extreme departure means the repeated failure to provide
24 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
25 situation which the nurse knew, or should have known, could have jeopardized the client's health
26 or life."

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1 8. California Code of Regulations, title 16, section 1443, states:

2 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
4 exercised by a competent registered nurse as described in Section 1443.5."

5 **COST RECOVERY**

6 9. Code section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **BACKGROUND INFORMATION**

11 10. Between July 26, 2007, and January 18, 2008, while employed as a registered nurse at
12 Tighten It Spa, Inc., located in Roseville, California, Respondent performed facial laser
13 treatments on patient N.R. ("N.R.") in an effort to reduce acne scarring and repair broken
14 capillaries. On or about August 23, 2007, during a facial laser treatment, Respondent used a
15 device on N.R.'s nose that resulted in blisters and subsequent scarring. On or about
16 September 12, 2007, N.R. voiced her concern regarding the scars on her nose but was told by
17 Respondent to give it time for healing and re-growth of collagen. N.R. did not have an initial
18 consultation with the Supervising Physician, Dr. Hull, as required by the standardized procedures,
19 nor did she receive an exam or evaluation of her skin or scarring on her nose during the course of
20 laser treatments. Furthermore, Respondent failed to notify Dr. Hull of the adverse effects the
21 laser treatments had on N.R.'s nose.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 11. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
25 unprofessional conduct, in that between July 18, 2007, and January 18, 2008, while a registered
26 nurse at Tighten It Spa, Inc., located in Roseville, California, she was grossly negligent in the
27 following respects:

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1 a. Respondent performed laser treatments on N.R. without ensuring that N.R. was
2 examined by Dr. Hull prior to commencing the laser treatments.

3 b. Respondent failed to notify Dr. Hull of the adverse effects, including scarring to the
4 bridge of N.R.'s nose, during the course of the laser treatments performed on N.R.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Incompetence)**

7 12. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
8 unprofessional conduct, in that between July 26, 2007, and January 18, 2008, while a registered
9 nurse at Tighten It Spa, Inc., located in Roseville, California, she was incompetent by failing to
10 document whether or not N.R. was offered or donned protective eyewear during any of the laser
11 treatments performed.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
15 unprofessional conduct, in that between July 26, 2007, and January 18, 2008, while a registered
16 nurse at Tighten It Spa, Inc., located in Roseville, California, Respondent demonstrated
17 unprofessional conduct, as more particularly set forth above in paragraphs 11 and 12.

18 **PRAYER**

19 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 431880, issued to
22 Michelle Anne Williams;

23 2. Revoking or suspending Public Health Nurse License Number 44910, issued to
24 Michelle Anne Williams;

25 3. Ordering Michelle Anne Williams to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED:

July 12, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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